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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Ms. Yuliana Zhivkova **Georgieva** (Bulgaria)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 19th and 22nd meetings, on 10 and 23 December 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/64/SR.19 and 22).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011 (A/64/476);

(b) Second performance report of the Secretary-General on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009 (A/64/512);

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/555);

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(d) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia: effect of changes in rates of exchange and inflation (A/64/570);

(e) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/7/Add.19).

II. Consideration of draft resolution A/C.5/64/L.14

4. At its 22nd meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/64/L.14), submitted by the Chairperson of the Committee on the basis of informal consultations coordinated by the representative of New Zealand.

5. At the same meeting, the Committee adopted draft resolution A/C.5/64/L.14 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

I

Second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2008-2009

Having considered the second performance report of the Secretary-General on the budget, for the biennium 2008-2009, of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which were resolutions 62/230 of 22 December 2007 and 63/255 of 24 December 2008,

1. *Takes note* of the second performance report of the Secretary-General on the budget, for the biennium 2008-2009, of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the conclusions and recommendations contained in section IV.B of the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Resolves* that, for the biennium 2008-2009, the amount of 376,232,900 United States dollars gross (342,067,000 dollars net) approved in its resolution 63/255 for the financing of the International Tribunal for the Former Yugoslavia shall be adjusted by the amount of 12,655,400 dollars gross (3,623,900 dollars net), for a total amount of 388,888,300 dollars gross (345,690,900 dollars net);

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[1] A/64/512.

[2] A/64/555.

II
Budget of the International Tribunal for the Former Yugoslavia for the biennium 2010-2011

Having considered the reports of the Secretary-General on the financing of the International Tribunal for the Former Yugoslavia for the biennium 2010-2011[3] and on the revised estimates arising from changes in rates of exchange and inflation,[4]

Having also considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General on the financing of the International Tribunal for the Former Yugoslavia for the biennium 2010-2011[3] and on the revised estimates arising from the effects of changes in rates of exchange and inflation;[4]

2. *Endorses* the conclusions and recommendations contained in the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

3. *Welcomes* the work of the International Tribunal for the Former Yugoslavia to ensure the expeditious completion of its mandate and, with regard to the current budget, the commensurate reduction in the financing of the Tribunal;

4. *Stresses* the importance of transparency in the presentation of staffing changes;

5. *Emphasizes* that redeployment should not be used to transfer posts to different functional areas;

6. *Takes note* of paragraph 49 (a) to (d) of the report of the Advisory Committee on Administrative and Budgetary Questions and decides not to accept the redeployment and reclassification of staff as set out in paragraphs 72 to 74 of the report of the Secretary-General on the financing of the International Tribunal for the Former Yugoslavia for the biennium 2010-2011;

7. *Decides* to establish the following posts:

(a) One P-5 Chief of the Immediate Office of the Registrar;

(b) One P-4 Legal Officer for the Immediate Office of the Registrar;

(c) One P-3 Legal Officer for the Immediate Office of the Registrar;

(d) One P-4 Head of the Press and Information Office;

(e) One P-3 Registry Liaison Officer in Zagreb;

8. *Emphasizes* that general temporary assistance positions shall be provided to replace posts while their functions are required;

9. *Requests* that future budget proposals of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations

[3] A/64/476.
[4] A/64/570.

Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the International Tribunal for the Former Yugoslavia be harmonized to facilitate better comparative analysis, particularly with respect to their completion strategies;

10. *Decides* to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 290,285,500 dollars gross (268,265,300 dollars net) for the biennium 2010-2011, as detailed in the annex to the present resolution;

11. *Also decides* that the financing of the appropriation for the biennium 2010-2011 under the Special Account shall take into account the estimated income of 277,500 dollars for the biennium, which shall be set off against the aggregate amount of the appropriation;

12. *Further decides* that the total assessment for 2010 under the Special Account, amounting to 157,659,400 dollars, shall consist of:

(a) 145,004,000 dollars, being half of the estimated appropriation approved for the biennium 2010-2011, after taking into account 138,750 dollars, which is half of the estimated income for the biennium of 277,500 dollars;

(b) 12,655,400 dollars, being the increase in the final appropriation for the biennium 2008-2009 approved by the General Assembly in paragraph 3 of section I above;

13. *Decides* to apportion the amount of 78,829,700 dollars gross (68,808,900 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2010;

14. *Also decides* to apportion the amount of 78,829,700 dollars gross (68,808,900 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2010;

15. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 12 and 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 20,041,600 dollars approved for the International Tribunal for the Former Yugoslavia for 2010.

Annex

Financing, for the biennium 2010-2011, of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Estimated appropriation for the biennium 2010-2011	294 311 100	272 744 600
Revised estimates: effect of changes in rates of exchange and inflation	16 783 000	16 239 800
Recommendations of the Advisory Committee on Administrative and Budgetary Questions	(20 171 000)	(20 171 000)
Recommendations of the Fifth Committee	(637 600)	(548 100)
Estimated initial appropriation for the biennium 2010-2011	290 285 500	268 265 300
Less:		
Estimated income for the biennium 2010-2011	(277 500)	(277 500)
Total assessment for 2010	**157 659 400**	**137 617 800**
Comprising:		
(a) Requirements representing half of the estimated appropriation for the biennium 2010-2011, after taking into account 138,750 dollars, which is half of the estimated income for the biennium 2010-2011 of 277,500 dollars	145 004 000	133 993 900
(b) Requirements arising from the final appropriation for the biennium 2008-2009	12 655 400	3 623 900
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2010	78 829 700	68 808 900
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2010	78 829 700	68 808 900